TOWN OF ELMA PLANNING BOARD
1600 Bowen Road, Elma, New York 14059
Phone: 716-652-3260

MINUTES OF REGULAR MEETING ~August 20, 2024

The Regular Meeting of the Town of Elma Planning Board, hereinafter referred to as the EPB, was held on Tuesday, August 20, 2024, at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

PRESENT:
Chairman Michael Cirocco
Member Michael Cleary
Member Gregory Merkle
Member James Millard
Member Charles Putzbach
Member Robert Waver

TOWN REPRESENTATIVES PRESENT:
Phyllis Todoro - Town Attorney
Raymond Balcerzak -Asst Building Inspector

ABSENT:
Alternate James Lembke
James Wyzykiewicz – Town Engineer

I. Approval of Regular Meeting Minutes from July 16, 2024

Charles Putzbach motioned to approve the Minutes of the EPB Regular Meeting held on July 16, 2024. James Millard 2nd motion. Motion approved.

II. Site Plan Review for a 13,104 SF metal building @ 6020 Seneca St for Bo Tucker
Applicant Bo Tucker

Mr. Bo Tucker, Mr. John Schenne and Mr. Todd Huber were present to discuss the building planned for 6020 Seneca St.

New plans for the building showing the changes to the windows in the front were given to the EPB. These changes were made to make the windows at least 25% of the front of the building. No other changes were made to the exterior of the building.

The EPB asked about landscaping. The applicant does not have a current site plan that shows the landscaping or a landscaping plan.

Mr. Schenne presented a letter stating that the drainage ponds related to this project have recently been modified and are substantially complete. He said they will be grassed and maintained. The EPB asked for clarification on what substantially complete means and asked to see a copy of the drainage plan. Mr. Schenne said he did not have plans. He said the current ponds are bigger and better than the ponds that were designed and approved by the town engineer. Mr. Huber spoke about the construction of the ponds saying that they used the "specs" as a benchmark and expanded them. Therefore, the ponds that were built are different than the plans that were submitted to the town and approved by the town engineer. The town engineer was not present and is out of town, so he has not seen the ponds that were built. Mr. Schenne stated that the local engineering firm of Nussbaumer & Clarke has been hired to create "as builts" for the ponds. He said that when he gets these, he will rerun the calculations and prove that the design is better than the design that was approved.

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Applicant Bo Tucker (Continued)

Mr. Greg Mancini questioned how they completed the ponds if they did not have plans. There was continued discussion about the ponds that were built. Mr. Mancini was told he could come and review the final drainage plan once it is received by the building department.

Chairman Cirocco asked about the status of the drainage district. Mr. Schenne said the Elma Town Board approved the drainage district on July 17, 2024 with the contingency that all work is completed to the satisfaction of the town engineer before it is considered a completed drainage district. The paperwork was filed with the county on July 30, 2024, but the town attorney has not received a final plan yet.

Chairman Cirocco explained the purpose of the drainage district is to protect the property owner and the residents. If the ponds are not maintained by the owner and there is a problem in the future, then the town can bring someone in to do the work. The drainage district is deeded and transfers to any future owners.

Chairman Cirocco asked the applicant if he had a final site plan showing the changes that had been discussed. Mr. Schenne said they did not have one. Chairman Cirocco explained that a site plan is needed that can be stamped. Once it is stamped as approved then it is binding. Any changes made need to be brought to the attention of the building department and the Elma Planning Board.

The EPB discussed their options of either tabling the agenda item until the next meeting, which is September 17, 2024 or approving it with contingencies for the missing items. Chairman Cirocco explained the problems of giving final approvals with contingencies. He stated that in the past applicants have not completed or done what was asked. There was also discussion on how approving plans with contingencies affects the building permit. It was mentioned that work had already started on this building without there being final site plan approval or a building permit. A stop work order was issued by the building inspector.

Mr. Tucker spoke to clarify the number of drainage ponds that have been built. The plan now includes 4 ponds. 3 new ponds have been dug and 2 smaller existing ponds have been cleaned out and combined into one larger pond.

Mr. Tucker acknowledged that a neighbor wanted one other pond cleaned out. This pond is on a different parcel on Seneca St and is not part of the drainage district that has been discussed.

Outstanding items from the checklist:
Needs finalization of the drainage district
Needs a final site plan to be stamped
Needs approval of drainage plan from town engineer
Needs a landscaping plan

Other items from the checklist that were mentioned- There is no dumpster on the plan. There is no signage on the plan. Any signs will need a permit from the building department.

After much discussion it was decided to go ahead with giving final approval. The applicant was informed that a final site plan, a landscaping plan must be submitted to be approved and stamped. The town engineer must give approval of all drainage including the drainage district. A building permit will not be issued until the drainage is approved.

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Applicant Bo Tucker (Continued)

The EPB reviewed the short form SEQR. Michael Cirocco made a motion to check box #2 on the SEQR, motion was seconded by Robert Waver. Yes-5 No-0 Motion Carried

A motion was made by Michael Cirocco and Seconded by Robert Waver to give final site plan approval contingent on receiving an updated and complete site plan, receiving a landscaping plan and final approval from the town engineer for all drainage. The stop work order is to remain until the town engineer reviews and approves the drainage. Yes-4- No-1 (Millard) Motion Carried

Mr. Tucker agreed to clean out a drainage pond on his property that is adjacent to 31 Streif Rd which is owned by Mr. Scott Lingle.
Chairman Cirocco informed Mr. Tucker that if he continues to build the building before the plans are stamped and a building permit is issued that he is doing so illegally.
Chairman Cirocco noted that no one should be going on anyone else's property without permission or without a town official being present.

V. Adjourn *Motion to adjourn at 8:15 pm by unanimous consent.*

Respectfully submitted,
Barbara Blair

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Elma Planning Board Secretary